

of the commissioners' court; providing that in counties having a population according to the last scholastic census of less than 25,000, the expense and furnishing of the rest-room shall not exceed \$125.00 nor shall the commissioners' court expend more than \$15.00 per month for the maintenance of the rest-room, including the compensation paid by the county to the matron; counties having a population according to the last scholastic census of more than 25,000 and less than 50,000 may expend not to exceed \$200.00 in furnishing a rest-room, and may expend for its maintenance not to exceed \$25.00 per month including the compensation paid by the county to the matron; and those counties having more than 50,000 may expend in furnishing a rest-room, not to exceed \$300.00 and may expend for its maintenance including the compensation paid by the county to the matron of any amount not to exceed \$50.00 in money.

Sec. 2. For the reason that there is now no adequate provision of law which provides for a comfortable and pleasant place for women to rest in while in attendance upon court or for the wives of farmers to rest in while in town, create an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FORTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, March 17, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Woods.
Floyd.	Witt.
Gibson.	

Absent.

Parr

Absent—Excused.

Dudley.

Prayer by the Chaplain.

Pending the reading of the Journal of Saturday, the same was dispensed with on motion of Senator Alderdice.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Suiter:

S. B. No. 402, A bill to be entitled "An Act to provide for the establishment and maintenance of an institution for the care, training and education of women offenders, to be known as the State Reformatory for Women; providing for a board of control, and for management of said institution; prescribing who shall be admitted thereto; providing for regulating the same; making an appropriation for the establishment and maintenance of same; and declaring an emergency."

Read first time, and referred to the Committee on Penitentiaries.

Simple Resolution No. 98.

Whereas, the 17th day of March, birthday of the patron saint of Erin's Isle, has once more rolled around; and

Whereas, The Senate of Texas has among its members many loyal Americans proud of their Irish descent, foremost among them being the Hon. James Clayton McNealus, the veteran Senator from Dallas County; therefore, be it

Resolved by the Senate, That the Hon. James Clayton McNealus be invited to address the Senate and tell us how St. Patrick murdered the reptiles, and at the conclusion of his address that he be requested to sing that old-fashioned Irish ditty which runs—

"Potatoes and fishes

Make very good dishes

St. Patrick's Day in the mornin'".

PAGE.

Senator McNealus moved to postpone the resolution indefinitely.

Senator Page moved as a substitute that the resolution be adopted, and this motion prevailed.

Senate Concurrent Resolution No. 35.

Resolved by the Senate of Texas, the House of Representatives concurring, That the thanks of the Legislature is hereby extended to Major General B. B. Buck of the United States army for the patriotic, inspiring and informing address delivered to the Legislature on March 4, 1919; be it further

Resolved, That it is especially gratifying to the Legislature the complimentary and outspoken recognition given by Major General Buck to the achievement, perseverance and heroism shown by the citizen soldiery of the United States in the part they played in the war against Germany;

Resolved further, That a copy of these resolutions be forwarded to Major General Buck at the headquarters of his command at Camp Meade, Md., that a copy be sent to the Secretary of War at Washington, D. C., and that a copy be given to the public press, with the request for publication of the same.

Signed: McNealus, Witt, Caldwell, Alderdice, Bailey, Bell, Buchanan of Scurry, Buchanan of Bell, Carlock, Clark, Cousins, Dayton, Dean, Dorough, Faust, Floyd, Gibson, Hertzberg, Hopkins, Johnston, Page, Parr, Rector, Strickland, Suiter, Williford, Hall, Westbrook, Woods, and Smith.

The resolution was read and adopted.

Executive Session—Postponed.

Senator McNealus moved that the executive session, which had heretofore been set for 11 o'clock today, be postponed until 11 o'clock Tuesday (tomorrow).

The motion prevailed.

House Joint Resolution No. 29—Conference Committee Elected.

Senator Caldwell made the following written motion, which was read and adopted:

I move that the Senate grant the request of the House for a conference committee on H. J. R. No. 29, and the following be elected on the part of the Senate: Caldwell, Hopkins, Dean, Alderdice, Williford.

Message From the House.

Hall of the House of Representatives, Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 261, A bill to be entitled "An Act providing for the compensation of the Clerks of the Courts of Civil Appeals of Texas; authorizing the employment of a deputy Clerk, and providing for the disposition of all costs collected by said Clerks, and declaring an emergency."

S. B. No. 110, A bill to be entitled "An Act defining live stock commission merchants; requiring such merchants to give bond; providing for renewal of such bond; imposing penalties for pursuing the occupation of live stock commission merchant when bond has not been made; or when there has been an intentional breach of said bond; requiring remittances of the proceeds of stock sold by such commission merchant to be made to the consignee within forty-eight hours after such sale has been made, either in certified check or bank exchange, unless waived in writing by such consignee; providing for suits under such bond; fixing the venue of such suits; repealing all laws in conflict herewith, and declaring an emergency."

With amendments.

S. B. No. 305, A bill to be entitled "An Act to provide for the payment by taxation, when authorized by an election in the district affected, of any certificates of indebtedness issued by any improvement district created prior to the year 1915, for drainage or levee purposes, in payment for necessary repairs of any levee damaged or partly destroyed by an overflow or flood during the year 1915, the election to be called by the commissioners' court in which any such district is situated upon petition, and to be provided for, and, after being held, to be acted upon as in the case of the holding of an election in any such district under existing laws for the issuance of bonds; such tax, if authorized, to be annually levied, assessed and collected by the same agents and applied in payment of any such certificates as it would be

in the case of the issuance of bonds by such district, and declaring an emergency."

House grants the request of the Senate for the return of H. B. No. 249.

The House refuses to concur in Senate Amendment to H. J. R. No. 29, and requests the appointment of a conference committee to adjust the difference.

The following have been appointed to act on the part of the House: Messrs. Tillotson, McDonald, Thomas, Lackey and Fly.

Respectfully submitted,

T. B. REESE,
Chief Clerk, House of Representatives.

Senate Bill No. 110—House Amendment Concurred In.

Senator Carlock called up to concur in House Amendment to:

S. B. No. 110, "An Act defining live stock commission merchants; requiring such merchants to give bond; etc."

The following House amendment was laid before the Senate, read and on motion of Senator Carlock the same were concurred in, viz:

Amend Section 2 of Senate Bill No. 110 by adding at the end of Section 2, the following additional sub-section, to be known as "Section 2 (A)."

"Section 2 (A):

In case the live stock sold on consignment by the Live Stock Commission Merchant should be encumbered with valid prior liens, it shall be the duty of said commission merchant, within 48 hours after the sale of such stock, to remit in certified check or bank exchange, to the different lien holders, the amounts respectively due them out of the proceeds of the sale of such stock; when requested in writing so to do by such lien holder.

In the absence of any written direction from those holding valid liens against said stock, as to the disposition to be made of their interest in the proceeds of the sales thereof, it shall be the duty of the

Live Stock Commission Merchant to deposit in some State, or National bank, in the town or city of the residence of said live stock commission merchant, to the credit of said lien holders, an amount sufficient to cover all said prior liens upon said stock so sold, and within 48 hours after such sale is made, to mail, postage paid, written notices of said action to each of said lien holders, to their last known post office address.

In cases wherever this section shall be applicable, compliance herewith shall operate as a full satisfaction of the bond required to be given under this Act, in so far as it applies to the rights of said lien holders; and in determining the "net proceeds" of said sales required under this Act to be remitted to the consignor, the amount necessary to be withheld by the consignee to discharge prior valid liens on said stock sold shall not be included."

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 120, A bill to be entitled "An Act to prevent the control of primary elections by the use of money, and to regulate and limit the expenditure of money to promote or defeat the candidacy of persons for nomination for office in primary elections in this State, and providing penalties for violation of this Act and declaring an emergency."

With amendments.

Respectfully submitted,

T. B. REESE,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 482, A bill to be entitled "An Act making an additional appropriation to pay for printing and publishing House Joint Resolution No.

1; Senate Joint Resolution No. 7, and House Joint Resolution No. 19, as provided by the Constitution and laws of this State, and declaring an emergency."

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred after its motion had been read the following bill:

H. B. No. 482, referred to the Committee on Finance.

House Bill No. 157.

The Chair laid before the Senate on second reading:

H. B. No. 157, A bill to be entitled "An Act defining pipe and gas lines engaged or to engage in the transportation, sale or distribution of natural or artificial gas, etc., as public utilities, and declaring an emergency."

The question being upon the motion of Senator Strickland to postpone the bill until 6 o'clock p. m. next Wednesday—

Senator Witt offered the following amendments which were read and adopted:

(3) Amend H. B. No. 157, line 22, page 2 of the printed bill by striking out the words "pipe line" and substituting the words "in any manner," and by adding after the word "or" in said line the following:

"providing, generating, transmitting delivering, furnishing or selling gas, to or for the public."

(4) Amend H. B. No. 157, page 6 by striking all of lines 10 to 13 inclusive after the semicolon in line 10.

(5) Amend H. B. No. 157, page 3, by striking out all of lines 13 to 18 inclusive following the word "hereof" in line 13.

Senator Dorrough offered the following amendment which was read and adopted:

Amend H. B. No. 157 by adding paragraph (e) to Section 1 as follows: "providing nothing herein shall limit the powers of municipalities over local gas companies subject to revision of same by the Railroad Commission as herein provided."

Senator Gibson moved the previous question on the motion to postpone,

which being duly seconded, was ordered.

The motion to postpone prevailed by the following vote:

Yeas—15.

Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Johnston.
Dayton.	McNealus.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Woods.

Nays—7.

Alderdice.	Dorough
Buchanan of Scurry.	Hopkins.
Caldwell.	Suiter.
Dean.	

Present—Not Voting.

Page. Rector.

Absent.

Cousins. Westbrook.

Pairs Recorded.

Senator Carlock (present), who would vote no; Senator Parr (absent), who would vote aye.

Senator Witt (present), who would vote nay; Senator Clark (absent), who would vote aye.

Senator Williford (present), who would vote no; Senator Dudley (absent), who would vote aye.

Senator Strickland moved to reconsider the vote by which H. B. No. 157 was postponed and table the motion to reconsider.

The motion to table prevailed.

House Joint Resolution No. 29.— Conference Committee Report.

Hon. W. A. Johnson, President of the Senate, and Hon. R. E. Thomson, Speaker of the House of Representatives.

Sirs: We, your conference committee from the Senate and House, appointed to consider Senate Amendments to House Joint Resolution No. 29, desire to report that the amendments proposed by the Senate included such revision of Section 10 of the resolution as eliminated the provision for permanent location of the University and its branches, the Agricultural and Mechanical College and other institutions; and provided that Section 19 be amended to strike out the words "or, in its discretion, by tax levy or both, appropriation and tax levy;" and the elimination

of all reference to tax levy in the body of the resolution and the caption; and for a further amendment to Section 13 relating to the normal schools, and which your conferees have adjusted by substituting the words "for State Normal Schools" for the words "for the State Normal Schools as may be established in accordance with the law."

Your conference committee has revised the resolution to conform to the amendments herein set forth, and submit the same with the recommendation for its adoption as amended.

CALDWELL.
DEAN.
HOPKINS.
WILLIFORD.
ALDERDICE.

On the part of the Senate.

TILLOTSON.
FLY.
THOMAS.
McDONALD.
LACKEY.

On the part of the House.

By _____ H. J. R. No. 29.

HOUSE JOINT RESOLUTION

To be entitled.

A Joint Resolution to amend Article 7, Sections 10, 11, 12, 13, 14 and 15, of the Constitution of the State of Texas, which article relates to education, and which sections provide for the establishment and support of the University of Texas, the Agricultural and Mechanical College of Texas, and for a branch college for the instruction of Colored Youths, and which amendments provide for the permanent location of the University of Texas, the Agricultural and Mechanical College of Texas, the Prairie View Normal and Industrial College and the State College of Industrial Arts; provide that the Texas State Medical College and the School of Mines at El Paso, shall be branches of the University of Texas and for their permanent location; provides that said University, said Agricultural and Mechanical College, and said College of Industrial Arts shall be separate State institutions and independent in organization; provides for the sale of the lands belonging to the University of Texas permanent fund, and for the division of the

proceeds of such sale and all securities between the University of Texas, the Agricultural and Mechanical College of Texas, and the Prairie View State Normal and Industrial College; directs that the respective parts of each shall become the permanent fund of each institution and how it shall be invested; provides that the University of Texas and the Agricultural and Mechanical College of Texas may utilize the permanent fund of each as a basis for the issuance of bonds for improvements, and for redemption of such bonds from the income of such permanent funds; provides that the governing board of the Agricultural and Mechanical College may make provisions for permanent buildings for the Prairie View Normal and Industrial College from the proceeds of bond issues by the said Agricultural and Mechanical College; and declares said Prairie View Normal and Industrial College constitutional branch of the Agricultural and Mechanical College; provides that the Legislature shall make provisions by appropriation for the maintenance and development of the University of Texas and the Agricultural and Mechanical College and for the development and support of the College of Industrial Arts, the Normal Schools, and Prairie View State Normal and Industrial College; provides for the authority to the University of Texas and the Agricultural and Mechanical College, pending division of the University endowment, to issue bonds redeemable from the income of the endowment, and granting authority to the Legislature to make appropriations to supply any deficiency; provides that the Legislature shall give encouragement and direction to the development of a University of the first class, and an Agricultural and Mechanical College of the first class and a College of Industrial Arts of the first class; provides for the submission of this proposed amendment of the Constitution to the people, fixing the date for election to be held, and making an appropriation to pay the expense of said election.

Be it Resolved by the Legislature of the State of Texas.

Section 1. That Sections 10, 11, 12, 13, 14 and 15 of Article VII of the Constitution of the State of Texas, which Article relates to education, and which sections provide for the establishment and support of the University of Texas, the Agricultural and Mechanical College of Texas, and a branch college or university for the instruction of colored youths, be amended to read as follows:

Section 10. In pursuance of constitutional authority and direction the State having established the University of Texas at Austin, in Travis county; the Agricultural and Mechanical College of Texas at College Station, in Brazos county; and the Prairie View State Normal and Industrial College for the instruction of colored youths of the State at Prairie View, in Waller county; and the Legislature having established the College of Industrial Arts at Denton, in Denton county, the said University of Texas, the Said Agricultural and Mechanical College of Texas, and the said College of Industrial Arts for White Girls, are hereby declared separate State institutions and independent in organization. The Texas State Medical College, located at Galveston, in Galveston county; and the School of Mines, located at El Paso, in El Paso county, are constituted branches of the University of Texas. The Prairie View State Normal and Industrial College for the instruction of colored youths is constituted a branch of the Agricultural and Mechanical College of Texas.

Sec. 11. To better enable the University of Texas and its constitutional branches, the Agricultural and Mechanical College of Texas and the Prairie View State Normal and Industrial College, to fulfil the purposes for which created, all lands and other property heretofore set apart and appropriated for the establishment, endowment, and maintenance of the University of Texas and its constitutional branches, together with the proceeds of the sale of such lands heretofore made, or hereafter to be made, for the support and benefit of either institution, shall constitute a permanent fund for the University of Texas, the Agricultural and Me-

chanical College of Texas, and for the Prairie View State Normal and Industrial College, provided, that when the permanent University endowment shall, by constitutional and statutory authority, be apportioned to the institutions named it shall be divided between the University of Texas, the Agricultural and Mechanical College of Texas, and the Prairie View State Normal and Industrial College in the following manner: To the University of Texas, sixty-six and two-thirds (66 2-3) per cent, and to the Agricultural and Mechanical College of Texas, thirty-three and one-third (33 1-3) per cent; and the governing board of the Agricultural and Mechanical College of Texas shall apportion to the Prairie View State Normal and Industrial College for colored youths such part of, or interest in, the said thirty-three and one-third (33 1-3) per cent as may be determined equitably by said governing board. The principal of all funds accruing to each institution from the division of the University endowment under the provisions of this section shall, whenever the said endowment is divided, constitute the permanent fund of each, and shall be invested as the permanent public free school fund is now or may hereafter be authorized by law to be invested; and the governing boards of the University of Texas and the Agricultural and Mechanical College of Texas shall be authorized, with the approval of the Governor, and in the manner to be provided by law, to issue bonds for issues to be based upon the permanent funds of the institution issuing them; and the governing board of each institution shall make provision from the income derivable from its permanent fund for the payment of all bonds issued under its authority as may be provided by law.

Sec. 12. The lands set apart to the University fund shall be sold under such regulations, at such times and on such terms as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands heretofore sold, or that may be hereafter sold, and shall in neither event have the power to grant relief to the purchasers. And, until such time as the University endowment fund shall be divided, in accordance with consti-

tutional and statutory authority, the proceeds from the sale of lands, as realized and received into the Treasury of the State, together with such sum belonging to the funds as may now be in the Treasury, shall be invested as the permanent public free school fund as now or may hereafter be authorized by law to be invested; and the interest accruing thereon, and any income from the use of the said University lands, shall be subject to appropriation by the Legislature, and may be available for the redemption of bonds based on the University endowment and to be redeemed from the said interest and income from the use of land, as may be provided by law, to aid in the construction, equipment and maintenance of the University of Texas and the Agricultural and Mechanical College of Texas, and the total of such bond issues outstanding shall at no time exceed five and one-half million dollars, and the Legislature is hereby authorized to appropriate out of the general revenues of the State such moneys as may be necessary to cover deficiencies in the interest and sinking fund accounts of the bond issues herein provided for. Provided, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "the University of Texas" by an Act of the Legislature of February 11, 1858, entitled "An Act to establish the University of Texas," shall not be included in or constitute a part of the permanent University fund.

Sec. 13. The Legislature shall provide by appropriation for the equipment, maintenance and development of the University of Texas and the branches of the said institution named in this Article and such other branches as may hereafter be established by law; for the Agricultural and Mechanical College of Texas and its branches as now or hereafter may be established by law; for the College of Industrial Arts for the Education of White Girls; for State Normal Schools, and for the Prairie View State Normal and Industrial College for colored youths.

Sec. 14. The Legislature shall give encouragement and direction to and make provision for the educational activities of the respective State institutions provided for in this Arti-

cle and as may be adequate for the promotion of literature and the arts and sciences, pure and applied, and for instruction in the professions, of a university of the first class; and for instruction in all those branches of learning which relate to agriculture, animal husbandry, the natural sciences, pure and applied, connected therewith, the mechanic arts and military science and tactics, requisite to the development of an Agricultural and Mechanical College of the first class; and for the education of white girls in the literary branches, the arts and sciences, and in social and domestic economy of the age, as may be necessary to establish and maintain a College of Industrial Arts of the first class for white girls, and for instruction in all the branches requisite to the development of normal schools of the first class.

Sec. 15. The Prairie View State Normal and Industrial College for the instruction of colored youths of the State, having been located at Prairie View, in Waller County, as a branch of the University of Texas, is hereby declared a branch of the Agricultural and Mechanical College of Texas. And in lieu of the separate apportionment of a part of the University endowment, as authorized in Section 11 hereof, the said Board of Directors of the Agricultural and Mechanical College may apportion to the Prairie View State Normal and Industrial College such part of any fund realized from any authorized bond issue by the Board for the purpose of permanent improvements as the Board may determine to be equitable and the fund so apportioned shall be available only for the purpose of constructing permanent improvements for the said Prairie View State Normal and Industrial College.

Sec. 2. The Governor of this State is hereby directed to issue and have published the necessary proclamation for the submission of this proposed amendment to the Constitution of the State to the qualified voters of the State, said election to be held throughout the State on the first Tuesday in November, 1919, and all voters favoring the amendment shall have written or printed on their ballots the words: "For the amendments to Sections 10, 11, 12, 14 and 15 of Article VII of the Constitution of the State of Texas, fixing the constitu-

tional status of the University of Texas, the Agricultural & Mechanical College of Texas, the College of Industrial Arts at Denton, Texas; the Sam Houston Normal Institute at Huntsville, Texas; the North Texas State Normal at Denton, Texas; the Southwest Texas State Normal at San Marcos, Texas; the West Texas State Normal at Canyon, Texas, and the East Texas State Normal at Commerce, Texas, and other State educational institutions, and determining the interest, respectively, of the University of Texas, the Agricultural and Mechanical College of Texas, and the Prairie View State Normal and Industrial College in the University permanent fund; and providing for the support, direction and development of State educational institutions."

Those opposing the amendment shall have written or printed on their ballots the words: "Against the amendments to Sections 10, 11, 12, 13, 14 and 15 of Article VII of the Constitution of the State of Texas, fixing the constitutional status of the University of Texas, the Agricultural and Mechanical College of Texas, the College of Industrial Arts at Denton, Texas; the Sam Houston Normal Institute at Huntsville, Texas; the North Texas State Normal at Denton, Texas; the Southwest Texas State Normal at San Marcos, Texas; the West Texas State Normal at Canyon, Texas, and the East Texas State Normal at Commerce, Texas, and other State educational institutions, and determining the interest, respectively, of the University of Texas, the Agricultural and Mechanical College of Texas, and the Prairie View State Normal and Industrial College in the University permanent fund; and providing for the support, direction and development of State educational institutions."

Sec. 3. The Governor is hereby directed to submit this amendment to the qualified voters at an election to be held throughout the State on the date herein specified, and the sum of five thousand (\$5000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of the general revenue not otherwise appropriated, for the purpose of issuing the proclamation and publishing the amendment as required by the Constitution and laws of this State.

The foregoing report was laid be-

fore the Senate, read and on motion of Senator Caldwell, the same was adopted by the following vote:

Yeas—27.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	

Absent.

Clark.	Woods.
Parr.	

Absent—Excused.

Dudley.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 36, A bill to be entitled "An Act to amend Chapter 1, of Title 44, of the Revised Civil Statutes of the State of Texas, 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State depositories, and the manner and means of selecting, and for the qualifications of such State depositories, providing for the distribution of such State funds among such State depositories, repealing all laws in conflict, and declaring an emergency."

S. C. R. No. 11, providing for a constitutional convention to be held in the city of Austin on the second Monday in January, 1920; and for the election of delegates to said convention to be elected at the next general election on Tuesday after the first Monday in November, 1919; making an appropriation to defray expenses, etc."

H. B. No. 606, A bill to be entitled "An Act creating the Pflugerville Independent School District in Travis and Williamson counties, Texas."

H. B. No. 257, A bill to be entitled "An Act to amend Article 7383 of the Revised Civil Statutes of the State of Texas, of 1911, requiring each and every individual, company, corporation or association, whether incorporated under the laws of this, or any other State or territory of the United States or of any foreign country, which owns, controls, manages or leases any oil well within this State to make quarterly on the first days of January, April, July and October of each year a report to the Comptroller of Public Accounts, under oath of the individual or of the president, treasurer or superintendent of such company, corporation or association, showing the total amount of oil produced during the quarter next preceding and the average market value thereof during said quarter. And providing that said individuals, companies, corporations and associations at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date, equal to one and one-half (1½) percent of the total amount of all oil produced at the average market value thereof as shown by said report, and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act to amend Sections 6, 7, 8, and 13 of Chapter 12, Acts of the Thirty-fourth Legislature, passed at its Regular Session, being 'An Act to create a special and more efficient road system for Collin County, and declaring an emergency.'"

H. B. No. 87, A bill to be entitled "An Act to amend Chapter 6, Title 37 of the Revised Civil Statutes of Texas, relating to process and returns, by adding thereto Article 1875a, providing that in citations by publication it shall not be necessary to state in the citation the details and particulars of the cause of action, and providing that in such suits against unknown heirs involving land it shall be sufficient in making the brief statement of the cause of action in such citation to state the kind of suit, the number of acres of land involved in the suit, the survey on which the land is situated and the county in which said land is situated, and declaring an emergency."

H. J. R. No. 35, being a resolution to be entitled "A House Joint Resolution proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, to pro-

vide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows, who have been citizens of Texas since January 1st, 1912, providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of six cents on the \$100 valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purpose, fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof."

H. B. No. 458. A bill to be entitled "An Act to create the Eighty-eighth Judicial District; fixing its jurisdiction and time of holding courts therein; providing for the appointment by the Governor of a judge for the Forty-second District; providing that the district clerk and county attorney of Eastland county each shall be officers of said Eighty-eighth District Court, and fixing their compensation for services rendered therein; provided further, for the transfer of cases from and to the Forty-second Judicial District Court and the Eighty-eighth Judicial District Court from one court to the other; requiring notices of such transfer of cases in certain instances to be given; reorganizing the Forty-second Judicial District, and providing for the time for holding court in the counties of Taylor, Callahan, Shackelford and Stephens, and declaring an emergency."

H. B. No. 247, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure for all commodities purchased or sold by length, weight or measure; providing penalties for any one who shall sell any article or commodity, representing same to be a greater or less number of pounds or quantity per unit with intent to defraud; providing that all articles of foodstuffs, produce or commodity shall contain the net weight of such produce or commodity, and providing penalties for the violation of this Act, and declaring an emergency."

H. B. No. 248, A bill to be entitled "An Act to define what constitutes a public weigher, prescribing his duties and providing for rules and regulations governing the performance of his duties; providing for the appointment, by the Governor, of public weighers in cer-

tain places, and providing for the appointment and election of public weighers throughout the State; prescribing the bond to be given and the amount thereof; providing penalties for the violation of this Act and prohibiting anyone from engaging in the business of public weighing, unless he shall comply with the terms of this Act; prohibiting the shipment of goods, wares and merchandise, agriculture and farm products, at false weights and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act to fix the time of holding the courts in the Sixty-fourth Judicial District of Texas; to validate all process, bonds and recognizances heretofore taken in the courts of said district, and all judgments therein rendered or to be rendered; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act to create a more efficient road law for Delta County; etc."

H. B. No. 168, A bill to be entitled "An Act appointing and designating Mrs. O. M. Roberts as assistant guide in charge of painting; providing for her salary; making an appropriation, and declaring an emergency."

H. B. No. 6, A bill to be entitled "An Act granting to the City of Corpus Christi, Texas, all rights, title and interest of the State of Texas to certain land lying and being situated under the waters of Corpus Christi Bay and granting to said city of Corpus Christi the right power and authority to locate, construct, own and maintain certain seawalls or breakwaters on said lands and to fill in the space between the mainland and said seawall or breakwaters with sand."

H. B. No. 603, A bill to be entitled "An Act creating, establishing and incorporating the Edinburg Independent School District in Hidalgo county, Texas."

H. B. No. 266, A bill to be entitled "An Act to incorporate the Burlington Independent School District in the counties of Milam and Falls, State of Texas, placing said independent school district under the general statutes governing school districts incorporated for school purposes only under the general laws of Texas; providing a board of trustees therefor, and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act giving incorporated cities and towns the authority to prevent the

keeping for breeding purposes of jacks, bulls and stallions within the city limits, and declaring an emergency."

H. B. No. 22, A bill to be entitled "An Act increasing the salaries of district attorneys in all judicial districts in this State, composed of two counties or more to \$3,000 per annum; providing the manner of payment of salaries, and making a disposition of the fees, commissions and perquisites of the office of district attorney, and declaring an emergency."

H. B. No. 605, A bill to be entitled "An Act adding to and making a part of the Harlingen Independent School District of Cameron County, Texas, certain lands and territory adjoining thereto situated in Cameron County, Texas; providing that the trustees of the present district are hereby continued in office until the expiration of their respective terms, and their successors shall be elected as is provided by the general laws for the election of trustees in independent school districts organized for school purposes only and declaring an emergency."

House Bill No. 5.

The Chair laid before the Senate on second reading:

H. B. No. 5, A bill to be entitled "An Act reorganizing the State Ranger force, prescribing the pay, qualifications and duties of State Rangers, and declaring an emergency."

The committee report that the bill be printed in the Journal only and with amendments was adopted.

Senator Sulter offered the following:

Amend House Bill No. 5, Article 6755, by striking out the words "fifteen privates" and inserting in lieu thereof the words "ten privates."

On motion of Senator Page, the amendment was tabled.

Senator Sulter offered the following:

Amend House Bill No. 5 by adding at the end of Article 6763, as printed in the Journal on page 818, the following: "provided that no account shall be paid until itemized and sworn to by the party to whom it is due and owing, and approved by the Adjutant General, when the same shall be presented to the Comptroller of Texas and his warrant issued therefor, to be paid out of the ap-

appropriation made for the maintenance of the Ranger force."

On motion of Senator Page, the amendment was tabled.

Senator Sulter offered the following:

Amend House Bill No. 5, Article 6764, by striking out the words "take an oath before some authority legally authorized to administer the same that each of them will faithfully perform his duties in accordance with law," and insert in lieu thereof the following: "execute a good and sufficient bond in the sum of two thousand dollars (\$2000.00), payable to the Governor of Texas and his successors in office, providing that such Ranger will faithfully perform his duties in accordance with law, and shall take the constitutional oath of office."

On motion of Senator Page, the amendment was tabled.

Senator Sulter offered the following, which was read and adopted:

(1) Amend House Bill No. 5 by changing the number of Article 6767 to "6766a."

Senator Page moved the previous question on the passage of the bill to its third reading.

The motion being duly seconded, the main question was ordered.

The bill was read second time, and passed to its third reading.

On motion of Senator Page the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 5 put on its third reading and final passage by the following vote:

Yeas—28.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Witt.
Floyd.	Woods.

Nays—1.

Sulter.

Absent.

Parr.

Absent—Excused

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed by the following vote:

Yeas—27

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	Page.
Carlock.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Faust.	Woods.
Floyd.	

Nays—1.

Sulter.

Present—Not Voting.

McNealus.

Absent.

Parr.

Absent—Excused.

Dudley.

Senate Bill No. 120—House Amendments Concurred In.

Senator Westbrook called up to concur in House amendments to:

S. B. No. 120, A bill to be entitled "An Act to prevent the control of primary elections by the use of money, and to regulate and limit the expenditure of money to promote or defeat the candidacy of persons for nomination for office in primary elections in this State, and providing penalties for violation of this Act, and declaring an emergency."

The following House amendments were laid before the Senate:

(1) Amend Senate Bill No. 120, page 2, line 30, by changing the period after the word "ballot" to a comma and by adding immediately thereafter the words "and for holding and making returns of the elections."

(2) Amend Senate Bill No. 120, page 3, by inserting between line 30 and line 31 the following: "For member of the Court of Civil Appeals, \$1500.00."

(3) Amend Senate Bill No. 120, page 4, by inserting between line 4 and line 5 the following: "Four-fifths of the sums stipulated in this section as the limits of expenses to be incurred by candidates and their campaign managers may be expended in the campaign preceding the first primary, and the remaining one-fifth in the campaign preceding the second primary."

(4) Amend Senate Bill No. 120, page 6, line 34, by inserting immediately following the word "requested" the following: "To keep an accurate record of all funds received and disbursed for campaign purposes, which record shall be preserved for a period of twelve months, and shall be open to the inspection of all opposing candidates and qualified voters, and every candidate and campaign manager is hereby required."

(5) Amend Senate Bill No. 120, Section 3, page 4, by changing the period following the word "county" at the end of line 18 to a comma and by inserting immediately following said comma the words, "and provided further, that the aggregate sums stipulated in this section as the maximum amounts that may be expended by candidates and their campaign managers shall be construed to embrace all expenditures herein authorized to be made in counties by assistant campaign managers."

The foregoing amendments were read and, on motion of Senator Westbrook, the Senate concurred in same.

Recess.

At 12:25 o'clock p. m. the Senate on motion of Senator Clark, recessed until 2 o'clock p. m.

After Recess.

(Afternoon Session)

The Senate was called to order by Lieutenant Governor Johnson.

Senate Bill No. 401.

The Chair laid before the Senate on second reading:

S. B. No. 401, A bill to be entitled "An Act providing that there be, and there is hereby, appropriated out of the funds of the State Treasury not otherwise appropriated the sum of \$35,000, or so much thereof as may be necessary for the fiscal year ending the 31st day of August, 1919, with which to pay the expenses of the employment department of the State Council of Defense; providing the manner of payment of same, and declaring an emergency."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 401 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Gibson.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Rector.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Faust.	Westbrook.
Floyd.	Witt.

Absent.

Clark.	Williford.
Parr.	Woods.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed by the following vote:

Yeas—27.

Alderdice.	Dayton.
Bailey.	Dean.
Bell.	Dorough.
Buchanan of Bell.	Faust.
Buchanan of Scurry.	Floyd.
Caldwell.	Gibson.
Carlock.	Hall.
Cousins.	Hertzberg.

Hopkins.	Strickland.
Johnston.	Suiter.
McNealus.	Westbrook.
Page.	Williford.
Rector.	Witt.
Smith.	

Absent.

Clark.	Woods.
Parr.	

Absent—Excused.

Dudley.

Senate Bill No. 147—Conference Committee Report.

Senator Westbrook called up for consideration the conference committee report on S. B. No. 147. (See page 974 of the Journal for the report in full.)

The report was laid before the Senate and

Senator Caldwell made the point of order that the House amendments to S. B. No. 147 is a substitute bill and must, under Rule 35 of the Senate Rules, be referred to a committee and take the same course of a House bill, and citing as authorities the rulings of the presiding officers of the Senate as shown on page 241 of the Journal of the Second and Third Called Sessions of the 33rd Legislature; page 1379 of the Journal of the Regular Session of the 33rd Legislature and page 227 of the Journal of the Second Called Session of the 31st Legislature.

The Chair, Lieutenant Governor Johnson, overruled the point of order.

Senator Westbrook moved to adopt the committee report.

As a substitute Senator Gibson moved to postpone consideration of the bill until the Called Session.

Senator Westbrook moved to table the motion to postpone and this motion prevailed by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Bell.	Johnston.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Westbrook.
Floyd.	Williford.
Hertzberg.	Witt.

Nays—4.

Caldwell.	Gibson.
Faust.	Rector.

Absent.

Dorough.	Woods.
Hall.	

Pairs Recorded.

Senator Suiter (present), who would vote Aye; Senator Dudley (absent), who would vote no.

Senator Bailey (present), who would vote no; Senator Clark (absent), who would vote Aye.

Senator Dayton (present), who would vote Aye; Senator Parr (absent), who would vote No.

The conference committee report on Senate Bill No. 147 was adopted by the following vote:

Yeas—19.

Alderdice.	Hopkins.
Bell.	Johnston.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Westbrook.
Floyd.	Williford.
Hall.	Witt.
Hertzberg.	

Nays—4.

Caldwell.	Gibson.
Faust.	Rector.

Absent.

Dorough.	Woods.
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Pairs Recorded.

Senator Bailey (present), who would vote no; Senator Clark (absent), who would vote aye.

Senator Suiter (present), who would vote aye; Senator Dudley (absent), who would vote no.

Senator Dayton (present), who would vote aye; Senator Parr (absent), who would vote no.

Senate Bill No. 34—Conference Committee Report.

Committee Room,
Austin, Texas, March 14, 1919.
Hon. W. A. Johnson, President of the

Senate; Hon. R. E. Thomason,
Speaker of the House.

Sirs: We, your Free Conference Committee on Senate Bill No. 34, have had said bill, with House amendments thereto, under consideration, and recommend that the House recede from its amendments and that the Senate bill be adopted with the following amendments:

Amend Section 1 of the Senate bill by adding thereto the following:

"All damages received or recovered from personal injuries to the husband shall be his separate property, and all damages received or recovered for personal injuries to the wife shall be her separate property."

DEAN.

SUITER.

SMITH.

PAGE.

DOROUGH.

On the part of the Senate.

We respectfully decline to join in the above recommendation.

BONHAM.

CURTIS.

COX.

WILLIAMS of McLennan.

JOHN DAVIS.

On the part of the House.

The foregoing report was read and adopted.

House Bill No. 619.

The Chair laid before the Senate on second reading:

H. B. No. 619, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenues of this State not otherwise appropriated for the several institutions and departments of the State Government for the balance of the fiscal year ending August 31st, 1919, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

The following amendment by Senator Williford was read and adopted:

(1) Amend House Bill No. 619 by adding thereto the following: "For the drilling and equipment of a deep well to supply the State Agricultural Experiment Station at College Station, \$6000, or so much thereof as may be necessary."

Senator Hopkins offered the fol-

lowing amendment, which was read and adopted:

(2) Amend House Bill No. 619 by inserting after line 3, on page 4 of the engrossed bill, the following:

College of Industrial Arts.

To cover increases in salaries necessary to fill positions\$ 4,550.00

To pay additional teachers 5,283.33

For additional support for summer school 12,000.00

Senator Bell offered the following amendment, which was read and adopted:

(3) Amend House Bill No. 619 by adding at the end of Section 1 and before the word "total" the following:

"That the sum of three hundred and fifty thousand (\$350,000) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, for the purpose of installing heating and plumbing fixtures, a sewerage disposal plant, ice plant, laundry machinery, and for the erection of an industrial building, nurses' home, male chronic ward and female chronic ward, at the Northwest Texas Insane Asylum; this appropriation is in addition to the appropriation made for the erection of the Northwest Texas Insane Asylum by Chapter 183, House Bill No. 465, Acts of the Regular Session of the Thirty-fifth Legislature\$350,000.00" Thereby increasing the total to \$1,020,906.22.

Senator Carlock offered the following, which was read and adopted:

(4) Amend House Bill No. 619 by adding at the end of Section 1 a new section, to be known as Section 2, and renumbering the other sections, said Section 2 being as follows:

Section 2. There is hereby appropriated out of the public funds in the State Treasury of the State of Texas for the current fiscal year out of money not otherwise appropriated nine thousand seven hundred and thirty-nine (\$9739.00) dollars, or as much thereof as may be necessary, for the purpose of paying for the cost of installation and equipment of a heating plant at the Grubbs Vocational College, Arlington, Texas.

Senator Dayton offered the following:

(5) Amend the committee report to House Bill No. 619 by striking out the following words: "Strike out all items under the heading of 'Department of Agriculture.'"

Senator Caldwell raised the point of order that the amendment seeks to strike out a matter adopted by an affirmative vote of the Senate, and that such can be done only by a motion to reconsider or rescind.

The point of order was overruled.

Senator Caldwell offered the following substitute for the pending amendment:

Amend House Bill No. 619 by inserting in Section 1:

Department of Agriculture,
A. and M. College.

For inspection and eradication of the dangerous diseases and pests now threatening the destruction of the fruit industry of the State; provided, that no part of this amount shall be paid out for salaries or traveling expenses outside of the State\$54,000.00

PARR.
CALDWELL.

On motion of Senator Dayton, the substitute was tabled.

The amendment by Senator Dayton was then adopted.

Senator Strickland offered the following:

(6) Amend House Bill No. 619 by inserting the following:

Texas State Railroad.

For 225 pieces 25 feet creosoted pine, untreated oak or untreated hewn cypress piling, 5625 lineal feet at \$1.25 per lineal foot, including cost of driving\$7,031.25
56 caps 12x12x12, being

8064 sq. feet at \$52.00 per M.; 165 stringers 7x14x37, being 37,785 sq. feet at \$58.00 per M.; 87 guard rails 6x8x18, being 6264 sq. feet at \$48.00 per M; 770 bridge ties, 6x8x9, being 27,720 sq. feet at \$48.00 per M..\$4,242.09
For labor 3,752.15
15,000 creosoted ties, or equivalent, placed in the track over entire line as needed17,250.00
Electric alarms for grade crossing at Elkhart road crossing and Sycamore St., Palestine, Texas..... 1,000.00

The amendment was read and adopted by the following vote:

Yeas—14.

Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Cousins.	Rector.
Dayton.	Smith.
Faust.	Strickland.
Floyd.	Suiter.
Hopkins.	Witt.

Nays—9.

Alderdice.	Dean.
Bailey.	Gibson.
Buchanan of Bell.	Page.
Caldwell.	Woods.
Carlock.	

Absent.

Clark.	Parr.
Dorough.	Westbrook.
Hall.	

Absent—Excused.

Dudley.

Pair Recorded.

Senator Williford (present), who would vote aye; Senator Hertzberg (absent), who would vote nay.

Senator Witt offered the following:

(7) Amend House Bill No. 619, as printed, at page 914 of the Senate Journal, by striking out under division designated "Comptroller's Department" beginning "For salaries, etc.," and concluding with the word "State," and the amounts appropriated, to-wit, "\$2749.89" and "\$2250.00," and by adding the following:

Section 1. The Comptroller of Public Accounts of the State of Texas is hereby authorized to use any and all available surplus funds heretofore appropriated by the Legislature for the year ending August 31st, 1919, which has accumulated, or which may hereafter accumulate during the present fiscal year by reason of the abolishment, discontinuance or consolidation of the desks or items for said Department, in order that the duties of the State Pension Commissioner and State Revenue Agent heretofore imposed upon the Comptroller by the Legislature may be properly performed without entailing additional appropriations for the present fiscal year; such available surplus to be used for the following purposes, to-wit:

Salaries of five Revenue Collectors for six months, at \$166.66 each, or so much thereof as may be available \$5,000.00

Traveling expenses of Revenue Collectors for six months, or so much thereof, as may be necessary, \$3,750.00.

To pay additional salary of Gross Receipts Tax Clerk for six months, \$250.00.

To pay additional salary of Chief Pension Clerk for six months, \$100.00.

To pay additional salary of Chief Bookkeeper of Warrant Division for six months, \$250.00.

Senator Hopkins offered the following which was read and adopted:

Amend the pending amendment by inserting after the word "purposes" and before the word "to-wit" the following:

"and no other."

The amendment as amended was then adopted.

The following by Senator Bailey was read and adopted:

Amend H. B. No. 619, by inserting in the proper place the following:

To pay Hon. T. P. Morris, District Attorney, balance due him on salary as District Attorney, \$38.40.

Senator Witt offered the following amendment which was read and adopted:

Amend caption of H. B. No. 619 printed on page 912 of the Senate Journal by adding after the figures "1919" the words "and authorizing certain expenditures by the Comp-

troller of surplus funds already appropriated."

The bill was read second time and passed to its third reading.

On motion of Senator Williford, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 619 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Dayton.	Strickland.
Faust.	Suiter.
Floyd.	Williford.
Gibson.	Witt.
Hall.	Woods.

Absent.

Clark.	Dorough.
Cousins.	Parr.
Dean.	Westbrook.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Williford, was passed by the following vote:

Yeas—26.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.
Hall.	Witt.
Gibson.	Woods.

Absent.

Clark.	Dorough.
Cousins.	Parr.

Absent—Excused.

Dudley.

President Pro Tem. Strickland in the Chair.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, March 17, 1919.
Hon. W. A. Johnson, President of
the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 72, A bill to be entitled
"An Act to amend Article 3234 of
the Revised Statutes of 1911 by con-
solidating them and by adding there-
to certain provisions for the taking
of depositions in cases of probating
wills and other proceedings in estates
where there is no opposing party or
attorney of record upon whom serv-
ice of notice and copies of interroga-
tories may be had."

S. B. No. 83, A bill to be entitled
"An Act for the formation of cor-
porations to act as trustee, assignee
and agent, to accumulate and lend
money, purchase and sell and deal in
notes, bonds and securities, without
banking and discounting privileges."

S. B. No. 112, A bill to be entitled
"An Act making an appropriation of
one million (\$1,000,000.00) dollars
to the available school funds of the
State of Texas for the scholastic year
beginning September 1, A. D. 1918,
and ending August 31, A. D. 1919,
and providing for the method of its
distribution, and declaring an emer-
gency."

S. B. No. 114, A bill to be entitled
"An Act to fix the venue for suits for
damages for libel and slander."

S. B. No. 96, A bill to be entitled
"An Act to amend Article 5490 of
the Revised Statutes of 1911, relat-
ing to the leasing or renting of
residences, stores, houses or other
buildings, and providing for registra-
tion with county clerks."

S. B. No. 132, A bill to be entitled
"An Act authorizing the State board
of Medical Examiners of this State
and making it their duty, to cancel
the license of any licensed practi-
tioner of medicine in this State, when
the facts are made known to it, that
such licensed practitioner of medi-
cine has been convicted in either a
State or Federal court of the crime
of the grade of felony, or one which
involved moral turpitude, or pro-
curing or aiding or abetting the pro-
curing of a criminal abortion; repeal-
ing all laws in conflict therewith and
declaring an emergency."

With amendments.

S. B. No. 181, A bill to be entitled
"An Act appropriating the sum of
twelve thousand (\$12,000) dollars
for the use of the State Board of
Health, to be expended by it under
the direction of the State Health offi-
cer, for the purpose of defraying all
expenses in connection with the mak-
ing of a house to house canvass of
one or more counties in this State in
obtaining exact and scientific data as
to the health conditions thereof, and
declaring an emergency."

S. B. No. 211, A bill to be entitled
"An Act to make uniform the law of
negotiable instruments in the State
of Texas, repealing all laws and parts
of laws in conflict herewith and de-
claring an emergency."

S. B. No. 229, A bill to be entitled
"An Act to provide for the better en-
forcement of the Traffic Laws of this
State, regulating the use of the public
highways by motor vehicles; giving
the commissioners court in each
county the right to employ one or
more deputies to work under the
sheriff in the special enforcement of
said law, to define the duties of said
officers; to regulate their compesa-
tion and to provide that the expense
of said officers shall be paid out of
the county's share of the registration
fees received from the Highway De-
partment; regulating the disposition
of fines collected in the prosecutions
contemplated by this Act, and de-
claring an emergency."

S. B. No. 249, A bill to be entitled
"An Act to amend Article 1123 of
the Revised Civil Statutes of the
State of Texas, 1911, so as to per-
mit married women to become sub-
scribers, stockholders, officers and di-
rectors of corporations, and declar-
ing an emergency."

S. B. No. 320, A bill to be entitled
"An Act to amend Chapter 74, on
pages 139 and 140, of the General
Laws of the Regular Session of the
35th Legislature of Texas, so as to
prohibit the sale of road vehicles of
certain carrying capacity with tires
of less than the herein prescribed
width within the State of Texas, fix-
ing penalties for the violation there-
of, and providing the time at which
such Act shall take effect."

S. B. No. 319, A bill to be entitled
"An Act to amend Title 69 of the Re-
vised Civil Statutes of this State, by
inserting therein, immediately fol-
lowing Article 4643, a new Article,

to be known as Article 4643a, providing in substance that no injunction or temporary restraining order shall be issued by any judge of this State prohibiting any sub-surface drilling or mining operations on the application of any adjacent landowner claiming injury to his surface or improvements, or loss of, or injury to, the minerals thereunder, unless the person, corporation or partnership, against whom such drilling or mining operations is alleged as a wrongful act, is shown to be unable to respond in damages; provided, however, that the person, corporation or partnership against whom such injunction is sought shall enter into a bond, with one or more sufficient sureties, in such sum as the judge may fix, securing the complainant in payment of any injuries that may be sustained; providing, also, that the court when he deems it necessary to protect any or all interests involved in such litigation in view of such bond may appoint a trustee with such powers as the court may prescribe or may appoint a receiver under the statute to take charge of and hold the minerals produced or the proceeds thereof, subject to the final disposition of such litigation; and declaring an emergency."

S. B. No. 174. A bill to be entitled "An Act providing for the Live Stock Sanitary Commission to cooperate with the Bureau of Animal Industry, United States Department of Agriculture, for the eradication of tuberculosis among cattle within the State of Texas, and providing for the partial indemnification to the owner of cattle reacting to the Tuberculin Test; providing for the appraisalment of cattle reacting to the Tuberculin Test, and declaring an emergency."

S. B. No. 212. A bill to be entitled "An Act regulating the traffic in gasoline and other petroleum products in this State; prohibiting the sale of such products except under their true name and providing for inspection thereof; providing that packages, containers or receptacles containing any of said products shall be plainly marked in accordance with regulations of the Interstate Commerce Commission and show the name of the manufacturer and place of manufacture; prescribing a standard of petroleum products which may be

sold for illuminating purposes; making it unlawful to sell as gasoline any product not conforming to the standards prescribed in the Act; prescribing a standard for gasoline; providing a method of testing gasoline and other petroleum products; compelling the use of correct and accurate scales and measuring devise and authorizing the inspection and method of enforcing compliance with the law in this respect; prescribing the duties of the Food and Drug Commissioner and his authorized inspectors or other persons appointed by him in the enforcement of the provisions of this Act; making it unlawful to obstruct Commissioner or those under his direction in exercising the powers conferred; providing penalties for violations and repealing parts of laws in conflict with this Act, and declaring an emergency."

S. B. No. 333. A bill to be entitled "An Act to amend Section 56 of an Act constituting Chapter 44 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, providing for the creation of Conservation and Reclamation Districts, so as to make certain that the reassessment of benefits permitted by said section shall not render insecure any indebtedness of any district availing itself of the benefits of such section, and declaring an emergency."

S. B. No. 215. A bill to be entitled "An Act to establish what is known as a uniform warehouse receipt; providing for what shall be contained in said receipt; providing what shall constitute a negotiable receipt, and also what shall be a non-negotiable receipt; defining the obligations and rights of a warehouseman upon the receipt issued by them; defining the character of receipt that shall be issued in all instances where goods are received for storage, and providing for the taking up and cancelling of receipts issued on the whole or part of goods stored with warehousemen; providing that a warehouse shall be liable in certain instances for the non-existence of goods where receipts are issued, and providing that the warehouseman shall be liable for goods left in his possession which have not been properly cared for; providing for the rights of debtors and creditors on goods stored with a warehouseman under the terms of

this Act; providing for liens by warehousemen against goods stored with him, or in his possession, for storage and other charges; providing for the method of enforcing said liens; defining how a negotiable receipt may be negotiated, and defining the rights of holders of negotiable receipt, and defining the rights of a purchaser of goods held in storage under a negotiable receipt; providing criminal offenses for violation of the terms and provisions of this Act on the part of warehousemen, officers, agents, servants and employes; providing for the method by which any person, firm, corporation, partnership or association of persons may become public warehousemen under the terms and provisions of the law by filing a bond, and providing that the Commissioner of Markets and Warehouses shall exercise supervision over all public warehousemen; providing that the Commissioner of Markets and Warehouses may exercise supervision over all private warehouses operating under the provisions of this Act, and providing for the repeal of all laws and parts of laws in conflict with this Act, except the Act of the First Called Session of the Thirty-fifth Legislature, approved May 26, 1917, and known as the Permanent Warehouse Act, and declaring an emergency."

S. B. No. 350, A bill to be entitled "An Act to conserve the oil and gas resources of the State of Texas; to define 'waste' in the production of said materials; to invest the Railroad Commission of Texas with authority to make and enforce all needful rules and regulations with respect to the conservation of said resources; to employ the necessary supervisors to enforce such rules and regulations, and to prescribe their compensation, the same to be paid out of taxes collected from pipe line companies; prescribing all offenses against said Act, and to provide for the punishment therefor; to provide that this Act shall be cumulative with all other laws upon this subject, and declaring an emergency."

H. B. No. 70, A bill to be entitled "An Act to provide a more stringent and effective alien land law for the State of Texas by repealing Title 3 of the Revised Civil Statutes of Texas, 1911, and enacting in lieu thereof a new Title 3, consisting of Articles 15, 16, 16a, 17, 18, 18a, 19, 19a, 19b, 20,

21a, 21b and 21c, prohibiting resident and non-resident aliens from owning, holding and conveying lands or interests therein, or from hereafter purchasing, holding, acquiring or conveying lands except upon the compliance by said aliens with certain specified conditions; providing that any lands held or conveyed by aliens in contravention of the provisions of this Title or owned and held or acquired without complying with the provisions hereof shall be forfeited and escheated to the State of Texas; providing who shall bring escheat proceedings; the manner of bringing same, the judgment to be rendered, the disposition of the proceeds of the sale of such escheated lands; providing when and how forfeiture may be prevented by the alien owner; providing that if any section of this provision of this Act shall be held invalid such decision shall not invalidate any other section or provision not affected thereby; providing for the repeal of all laws and parts of laws in conflict herewith, and declaring an emergency."

With engrossed rider.

H. B. No. 582, A bill to be entitled "An Act to authorize and compel the Commissioners' Courts of the various counties of the State of Texas to, upon application of the owner or owners of lands that have been subdivided into town lots and blocks and small subdivisions, to cancel and annul such lots, blocks and subdivisions, provided such action does not interfere with established rights of others."

S. J. R. No. 20, A resolution to be entitled "A Joint Resolution proposing and submitting to a vote of the people of Texas an amendment to the State Constitution, so as to extend to any county or subdivision thereof the right to levy by majority vote of the qualified voters, who have been assessed or paid property tax, a special tax of not exceeding sixty cents on the one hundred dollars valuation for the maintenance and improvement of public roads."

With amendment.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Conference Committee Report on H. J. R. No. 29.

Respectfully submitted,

T. B. REESE.

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Strickland, had referred, after their captions had been read, the following House bills:

H. B. No. 70, referred to the Committee on Public Lands and Land Office.

H. B. No. 582, referred to the Committee on Town and City Corporations.

House Bill No. 249—Vote Reconsidered.

Senator Page, by unanimous consent, moved to rescind the vote by which H. B. No. 249 was passed finally. The motion prevailed.

The Chair laid before the Senate on third reading:

H. B. No. 249, establishing a standard of weights and measures.

The bill was laid before the Senate, read third time and, on motion of Senator Page, was passed finally.

Senate Bill No. 327.

The Chair laid before the Senate on second reading:

S. B. No. 327. A bill to be entitled "An Act to amend Sections 1, 4 and 13 of Chapter 44, General Laws passed at the First Called Session of the Thirty-fifth Legislature, by changing one limit of meeting, by providing that teachers of State institutions may serve on the Text-Book Commission, that further contracts shall be so arranged that contracts for not more than one-sixth of the total number of different adopted books shall expire in any year, that not more than one-sixth of the total number of different adopted books can be changed in any one year, and providing a reasonable bond for supplementary books, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Alderdice, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 327 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Carlock.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.
Hertzberg.	

Absent.

Bailey.	Hall.
Bell.	Page.
Clark.	Parr.
Dean.	

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time, and, on motion of Senator Alderdice, was passed finally.

Lieutenant-Governor Johnson in the chair.

Senate Joint Resolution No. 20—House Amendments Concurred In.

Senator Hopkins called up to concur in House Amendments to S. J. R. No. 20.

The following House amendments were laid before the Senate:

(1) Strike out all before the enacting clause and insert in lieu thereof the following:

Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by changing said Section 9 so as to provide for the levy of taxes by counties, cities and towns, not to exceed thirty cents for roads and bridges, and a tax not to exceed fifty cents on the One Hundred (\$100.00) Dollars' valuation in any one year, for the erection of public buildings, streets, sewers, waterworks, improvements of cemeteries, and other permanent improvements, providing for

the levy of a maintenance tax by counties, or political subdivisions thereof, not to exceed thirty cents on the One Hundred (\$100.00) Dollars' valuation, upon a majority vote of the qualified property tax payers voting at an election held for that purpose, and making an appropriation therefor.

(2) Strike out all after the enacting clause and insert in lieu thereof the following:

Section 1. That Section 9 of Article 8 of the Constitution of the State of Texas be so amended that the same will hereafter read as follows:

Section 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents on the one hundred dollars' valuation; and counties, cities and towns are authorized to levy not exceeding thirty-five cents for city or county purposes, and not exceeding thirty cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars' valuation, exclusive of taxes levied for the payment of debts incurred prior to the adoption of the amendment September 25th, 1883; and for the erection of public buildings, streets, sewers, waterworks, improvement of cemeteries and other permanent improvements, not to exceed fifty cents on the one hundred dollars' valuation, in one year, and except as in this Constitution otherwise provided, and the Legislature may authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax-paying voters of the county, or political subdivision thereof, voting at an election to be held for that purpose, shall vote such tax not to exceed thirty cents on the one hundred dollars' valuation of property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of public roads and highways, without the local notice required for special or local laws.

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors at an election to be held for that purpose on the fourth day of November,

A. D. 1919; at said election the vote shall be by official ballot, which shall have printed or written thereon the words "For the Amendment to Article 8, Section 9, of the Constitution of the State of Texas, providing for the levy of taxes not to exceed thirty cents for roads, streets and bridges, and not to exceed fifty cents for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, and not to exceed thirty cents for maintenance of public roads, in one year," and also the words "Against the Amendment to Article 8, Section 9, of the Constitution of the State of Texas, providing for the levy of taxes not to exceed thirty cents for roads, streets and bridges, and not to exceed fifty cents for the erection of public buildings, streets, sewers, waterworks and other permanent improvements, and not to exceed thirty cents for the maintenance of public roads, in any one year." All voters favoring this proposed constitutional amendment shall erase the words "against the amendment to Article 8, Section 9 of the Constitution," etc., and those opposing it shall erase the words "for the amendment to Article 8, Section 9, of the Constitution," etc., which erasure shall be made by making a mark with pencil or pen through said words. All ballots cast as above provided shall be counted as cast for or against this proposed amendment; and if a majority of the votes cast shall be for the amendment, it shall be declared adopted; if a majority of the votes cast shall be against the amendment, said amendments shall be lost.

Section 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election and to have the same published as required by the Constitution and laws of this State.

Section 4. The sum of five thousand (\$5000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of funds in the State Treasury not otherwise appropriated, to defray the expense of such publication and election.

(1) Amend the committee amendment, page 2, Section 2, lines 13 and 19, by striking out the word "thirty" and insert in lieu thereof the word "sixty."

(2) Amend S. J. R. No. 20, as amended, by striking out all after the second "and" in line 34, page 1, down to and including the word "county" in line 1, page 2, and insert in lieu thereof the following:

"qualified voters, who have been assessed or paid property tax, of any county or subdivision thereof now existing or that may hereafter be defined by the commissioners' court, may at an election called in accordance with the law authorizing the levy of a special road tax, by a majority vote levy a special tax of not exceeding sixty cents on the one hundred dollars valuation on all property, for the further improvement and maintenance of public roads; provided that this provision shall be self-enacting and that no part of such tax shall be available to pay an indebtedness incurred prior to the current year for which said tax is collected, except to pay indebtedness now existing, and providing further that such levy may be voted off or changed at any time a majority vote of those qualified to vote under this provision."

(3) Amend the caption, line 14, by striking out the word "thirty" and insert in lieu thereof the word "sixty."

On motion of Senator Hopkins the amendments were concurred in by the following vote:

Yeas—22.

Balley.	Hopkins.
Bell.	Hertzberg.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.
Gibson.	Witt.

Nays—1

Alderdice.

Present—Not Voting.

Carlock. Johnston.

Absent.

Clark. Parr.
Dean. Woods.
Hall.

Absent—Excused.

Dudley.

House Bill No. 624.

The Chair laid before the Senate on second reading:

H. B. No. 624, A bill to be entitled "An Act to repeal Chapter 24, General Laws First Called Session of the Thirty-fifth Legislature, which chapter provides for the establishment and support of a State Home for Lepers, and making appropriation therefor."

The Senate rule requiring committee reports to lie over for one day was suspended by unanimous vote.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 624 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hertzberg.
Balley.	Hopkins.
Bell.	Johnston.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Carlock.	Smith.
Cousins.	Strickland.
Dayton.	Suiter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Gibson.	

Absent.

Clark. Parr.
Dean. Witt.
Hall.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time, and, on motion of Senator McNealus, was passed finally.

House Bill No. 625.

The Chair laid before the Senate on second reading:

H. B. No. 625, A bill to be entitled "An Act to provide for the isolation and care of persons suffering with leprosy, and making an appropriation therefor."

The Senate rule requiring committee

reports to lie over one days was suspended by unanimous vote.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be reports to lie over one day was suspended and H. B. No. 625 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hopkins.
Buchanan of Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dorough.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.
Gibson.	Witt.
Hertzberg.	Woods.

Absent.

Alderdice.	Dean.
Bell.	Hall.
Clark.	Parr.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and on motion of Senator McNealus, was passed finally.

House Bill No. 579.

Senator Gibson asked for unanimous consent to take up out of its order H. B. No. 579.

There was objection by Senator Clark.

Senator Gibson moved that the regular order of business be suspended and the Senate take up, out of its order, H. B. No. 579.

The motion prevailed by the following vote:

Yeas—21.

Alderdice.	Faust.
Bailey.	Floyd.
Bell.	Gibson.
Buchanan of Scurry.	Hertzberg.
Carlock.	Hopkins.
Cousins.	McNealus.
Dayton.	Rector.

Smith.	Williford.
Strickland.	Witt.
Suiter.	Woods.
Westbrook.	

Nays—4.

Caldwell.	Johnston.
Dorough.	Page.

Present—Not Voting.

Buchanan of Bell.

Absent.

Clark.	Hall.
Dean.	Parr.

Absent—Excused.

Dudley.

The Chair laid before the Senate on second reading:

H. B. No. 579, A bill to be entitled "An Act amending Section 12, 13, and 16, of Chapter 10, of the Acts of the Thirty-first Legislature, passed at its Fourth Called Session, providing that the Prison Commission shall purchase machinery, tools and supplies necessary to meet the needs of the penitentiary, and may establish such factories as in their judgment may be practicable; and providing that the Prison Commission shall not have power to purchase or sell any real estate, except as they are directed to do so by the Legislature; provided, that the Prison Commission, with the approval of the Governor, may purchase real estate contracted for prior to the passage of this Act; providing how land purchased for the penitentiary is to be paid for and authorizing the Prison Commission to lease real estate and describing certain duties of the Attorney General in connection with the purchase and sale of land."

The committee report that the bill be not printed was adopted.

Senator Page offered the following amendments which were read and adopted:

(1) Amend H. B. No. 579 by striking out is Section 16 the words "Legislature" wherever it occurs and insert in lieu thereof the word "Governor."

Amend H. B. No. 579 by changing the period at the end of Section 16 to a semicolon and by adding the following: "provided that no lands shall be sold for a less price than its fair market value."

Senator Gibson offered the following which was read and adopted:

Amend H. B. No. 579 by adding a new section the same being the emergency clause, and amend the caption to conform.

The bill was read second time and passed to its third reading.

On motion of Senator Gibson, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 579 put on its third reading and final passage by the following vote:

Yeas—23.

Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Faust.	Witt.
Floyd.	Woods.
Gibson.	

Nays—2.

Caldwell.	Page.
	Absent.
Alderdice.	Parr.
Bailey.	Strickland.
Hall.	

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Gibson, was passed finally.

House Bill No. 423.

Senator Smith called up and the Chair laid before the Senate on second reading:

H. B. No. 423, A bill to be entitled "An Act increasing the salary of the official court reporter for the Fourth Judicial District of Texas to the sum of eighteen hundred (\$1800.00) dollars per annum; providing the manner of payment of such salary, and declaring an emergency."

The bill was read second time, and passed to its third reading.

On motion of Senator Smith the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 423 put on its third reading and final passage by the following vote:

Yeas—26.

Bell.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Gibson.	Woods.

Absent.

Alderdice.	Hall.
Bailey.	Parr.

Absent—Excused.

Dudley.

The bill was laid before the Senate, read third time and, on motion of Senator Smith, was passed finally.

Simple Resolution No. 99.

Whereas, A former member of this body, C. W. Taylor of Bell County, is in the Senate Chamber; therefore, be it

Resolved, That he be granted the privilege of the floor and be invited to address the Senate.

BUCHANAN of Bell.
BAILEY.

The resolution was read and adopted, and Senator Taylor, being presented to the Senate, made a brief address.

House Bill No. 407.

The Chair laid before the Senate on second reading:

H. B. No. 407, A bill to be entitled "An Act to amend Subdivisions 2 and 3 of Section 7 and Sections 8 and 20 of Chapter 83, of the Regular Session of the Thirty-fifth Legislature, approved March 16, 1917, providing the royalty and other sums and compensations to be paid to the State and owner of the surface of lands upon which permits may be granted by the State to explore for minerals or leased for production of minerals, and granting a lien upon all production produced upon the leased areas

and the improvements situated thereon to secure the payment of any royalty and any sums due the State or the surface owner, arising under the operation of any portion of this Act; repealing all statutes in conflict with this Act, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

Senator Dayton offered the following amendment:

(1) Amend Section 7, House Bill No. 407, by striking out all of said section after the word "thereunder" and by inserting the following: "And the surface owner and the fund to which the land belongs shall each receive one-sixteenth of the oil and gas produced and sold from such land, save and except that required for fuel for operations thereon; and this royalty shall be a full and complete discharge to the State and surface owner of all obligations of the permit holder or lease holder of oil and gas rights and privileges, now issued or lawfully to be issued before this Act becomes effective, provided that where the owner of a permit shall begin operations for the development of oil and gas within the period required under said permit, the holder of such permit shall be entitled, upon application in writing to the General Land Commissioner, to obtain, without further cash payments, a lease for ten years with privileges of renewal or renewals for a like period or periods covering the acreage embraced in such permit."

On motion of Senator Page, the amendment was tabled.

Senator Buchanan of Scurry offered the following amendments which were read and adopted:

1. Amend House Bill No. 407 by striking out of the caption near the end of same on page 898 of the Senate Journal:

Declaring null and void all permits to prospect for oil and gas where operations have not actually been begun.

And insert in lieu thereof the following: "Authorizing the Commissioner of the General Land Office to lease the public lands such as islands salt water lakes, fresh water lakes, bays, marshes, reefs, and unsurveyed public free school lands.

2. Amend House Bill No. 407, by striking out the words "Commission-

er of the General Land Office" in lines 16 and 17, from the top of first column on page 900 of the Journal and inserting after the word "Texas" in said line 16 the following: "Provided such notes so executed may be paid at any time."

(3) Amend House Bill No. 407 by striking out the following words in last column of page 899 of the Journal in lines 24 to 27:

"In case there is no county surveyor or the county clerk shall designate same competent surveyor who shall perform the duties."

(4) Amend House Bill No. 407 by adding Section 8a after Section 8 which Section 8a shall read as follows:

Section 8a. Before any island, salt water lake, fresh water lake, or any bay, marsh, reef, or unsurveyed public free school land shall be acquired by one for the purpose of developing oil and gas thereon, the Commissioner of the General Land Office shall advertise such area and fix a date upon which application therefor may be filed in the General Land Office. When such areas shall have been so advertised they shall be subject to lease to the person, firm or corporation that will pay the most therefor in addition to ten cents per acre per annum and one-eighth of the gross production of the oil and gas that may be produced thereon. One desiring to acquire the right to prospect for and develop the oil and gas that may be in any area included in this section shall deposit in the General Land Office prior to the day and hour fixed for the filing of applications a separate application in writing for each area applied together with ten cents per acre for each acre applied for and a check certified to by some solvent bank or trust company or a sum of money equal to the sum such applicant may offer for such area in addition to said ten cents per acre and one-eighth royalty. All applications and check or money shall be deposited in the General Land Office in sealed envelopes having endorsed thereon in effect that it contains an application for oil and gas and state when it is to be opened. Envelopes so endorsed shall be securely kept by the Commissioner or the Chief Clerk unopened until the appointed time, and at that time the Commissioner or Chief Clerk or both shall begin to

open all such envelopes in the presence of all persons desiring to be present. A permit shall be issued to the one offering the highest price for each area. If there should be no approved field notes for any area on file in the General Land Office the applicant shall have the area surveyed and field notes returned therefor within one hundred days after notice of the necessity for a survey. The payment of ten cents per acre each year, the payment of royalty, the development of the area and the forfeiture for failure to develop the area, and all other provisions of Chapter 83 Acts of March 16, 1917, relating to the issuance of permits and leases and development and limitations as to quantity and all other rights and obligations of said Act not in conflict with this section shall be applicable to permits and leases obtained under this section.

The bill was laid on the table subject to call.

Bills Signed.

The Chair, Lieutenant Governor Johnson, gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 120, A bill to be entitled "An Act to prevent the control of primary elections by the use of money, and to regulate and limit the expenditure of money to promote or defeat the candidacy of persons for nomination for office in primary elections in this State, and providing penalties for violation of this Act and declaring an emergency."

S. B. No. 110, A bill to be entitled "An Act defining live stock commission merchants; requiring such merchants to give bond; providing for renewal of such bond; imposing penalties for pursuing the occupation of live stock commission merchant when bond has not been made, or when there has been an intentional breach of said bond; requiring remittances of the proceeds of stock sold by such commission merchant to be made to the consignees within forty-eight hours after such sale has been made, either in certified check or bank exchange, unless waived in writing by such consignee; providing for suits under such bond; fixing the venue of

such suits; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 305, A bill to be entitled "An Act to provide for the payment by taxation, when authorized by an election in the district affected, of any certificates of indebtedness issued by any improvement district created prior to the year 1915, for drainage or levee purposes, in payment for necessary repairs of any levee damaged or partly destroyed by an overflow or flood during the year 1915, the election to be called by the commissioners' court of the county in which any such district is situated upon petition, and to be provided for, and, after being held, to be acted upon as in the case of the holding of an election in any such district under existing laws for the issuance of bonds; such tax, if authorized, to be annually levied, assessed and collected by the same agents and applied in payment of any such certificates as it would be in the case of the issuance of bonds by such

district, and declaring an emergency."

S. B. No. 261, A bill to be entitled "An Act providing for the compensation of the Clerks of the Courts of Civil Appeals of Texas; authorizing the employment of a deputy clerk, and providing for the disposition of all costs collected by said Clerks, and declaring an emergency."

(Signed March 17th.)

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 17, 1919.

Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House refuses to concur in Senate amendments to H. B. No. 457 and requests the appointment of a conference committee to adjust the differences. The following have been appointed to act on the part of the House: Messrs. Scott, Newton, Bass, Walker of Newton and O'Banion.

T. B. REESE,

Chief Clerk, House of Representatives.
Respectfully submitted,

House Bill No. 457 — Conference Committee Elected.

Senator Floyd made the following written motion:

I move that the Senate grant the request of the House for a conference committee on H. B. No. 457, and that the following be elected on the part of the Senate: Bailey, Cousins, Dorrough, Suiter and Williford.

FLOYD.

The motion was read and adopted.

Refusal to Adjourn.

At 6:15 o'clock p. m., Senator Gibson moved to adjourn until 10 o'clock tomorrow.

The motion was lost.

House Bill No. 449.

Senator Hopkins asked for unanimous consent to take up House Bill No. 449.

There was objection by Senator Gibson.

Senator Hopkins moved that the regular order of business be suspended and the Senate take up, and of its order, H. B. No. 449.

The motion prevailed by the following vote:

Yeas—17.

Bell.	Hertzberg.
Buchanan of Scurry	Hopkins.
Caldwell.	McNealus.
Clark.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dorough.	Williford.
Faust.	Witt.
Floyd.	

Nays—5.

Carlock.	Rector.
Gibson.	Woods.
Page.	

Present—Not Voting.

Buchanan of Bell.

Absent.

Alderdice.	Hall.
Bailey.	Johnston.
Dayton.	Parr.
Dudley.	Westbrook.

Absent—Excused.

Dudley.

The Chair laid before the Senate on second reading:

H. B. No. 449, A bill to be entitled "An Act to amend Articles 3871, 3872 and 3889 of the Revised Civil Statutes, 1911, providing compensation to be paid the Assessor of Taxes for assessing the taxes for State, county, drainage districts, road districts or other political subdivisions of the county, and providing compensation for the Collector of Taxes for collecting the taxes for the State, county, drainage districts, road districts or other political subdivisions of the county; fixing the maximum of the excess fees that may be retained by the County Judge, Sheriff, clerk of the County Court, County Attorney, clerk of the District Court, Collector of Taxes, Assessor of Taxes, Justice of the Peace and Constable in counties having a population of less than twenty-five thousand; repealing Article 3898, Revised Statutes, 1911, and declaring an emergency."

The committee report that the bill be printed in the Journal only was adopted.

Pending.

Adjournment.

At 6:25 o'clock p. m., Senator McNealus moved that the Senate stand adjourned until 9 o'clock tomorrow.

As a substitute, Senator Clark moved to adjourn until 10 o'clock.

The substitute was lost.

The motion to adjourn until 9:00 o'clock prevailed.

APPENDIX.**Engrossing Committee Reports.**

Committee Room,
Austin, Texas, March 17, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed bills, have had Senate Bill No. 277 carefully compared and find same to be correctly engrossed.

ALDERDICE, Acting Chairman.

Committee Room,
Austin, Texas, March 17, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No. 321 carefully compared and find same to be correctly engrossed.

ALDERDICE, Acting Chairman.

Committee Room,

Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 399 carefully compared and find same to be correctly engrossed.

ALDERDICE, Acting Chairman.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 385 carefully compared and find same to be correctly engrossed.

ALDERDICE, Acting Chairman.

Committee Room,

Austin, Texas, March 17, 1919.

Hon. W. A. Johnson, President of the Senate.

We, your Committee on Engrossed Bills, have had Senate Bill No. 401 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, March 15th, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 103, same being a bill entitled "An Act to amend Section 2 of House Bill No. 25, passed by the Thirty-third Legislature at the Regular Session, 1913, and approved April 7th, 1913, relating to pro-rating the appropriation for Confederate pensions among the pensioners."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WILLIFORD, Chairman.

Committee Room,

Austin, Texas, March 14, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 298, A bill to be entitled "An Act to amend Section 3, Chapter

73 of the General Laws of the State of Texas, passed at the Fourth Called Session, the same being an Act providing for the payment of motor vehicle fees to county tax collectors and directing the deposition of fees, and declaring an emergency."

Have had said bill under consideration, and I am instructed by the committee to report said bill indefinitely postponed.

WOODS, Chairman.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 401, A bill to be entitled "An Act providing that there be, and there is, hereby appropriated out of the funds of the State Treasury, not otherwise appropriated, the sum of \$35,000.00 or so much thereof as may be necessary, for the fiscal year ending August 31, 1919, with which to pay the expenses of the Employment Department of the State Council of Defense; providing the manner of payment of same and declaring an emergency."

Have had the same under consideration and beg to report to the Senate with the recommendation that it do pass and be not printed.

WESTBROOK, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred

H. B. No. 637, A bill to be entitled "An Act creating the Speegleville Independent School District in McLennan County, Texas, defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of the State upon Independent School Districts and the board of trustees hereof; providing for the election of trustees, for the raising of revenue, issuing of bonds, building and maintaining school houses, maintaining public free schools; providing for an election in said district to issue bonds to take up any bonded indebtedness now outstanding against

any of the territory included by this Act, validating same; and declaring an emergency."

Have had same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Alderdice, Chairman; Buchanan of Scurry, Williford, Gibson, Dayton, Witt.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 391, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:14 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, March 15, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 69, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:14 o'clock a. m. presented the same to the governor for his approval.

SMITH, Chairman.

By Caldwell. S. B. No. 69.

A BILL

To Be Entitled.

An Act making an appropriation for cleaning the State Library and arranging material and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Five Hundred Dollars (\$500.00) or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to be expended under the direction of the State Librarian for the following purposes: Two Hundred and Fifty Dollars (\$250.00), or so much thereof as

may be necessary, for the purpose of cleaning the State Library and putting both the main library and the basement room in a thoroughly sanitary condition; and Two Hundred and Fifty Dollars (\$250.00), or so much thereof as may be necessary for the purpose of arranging material in accessible form.

Section 2. The State of the Public Health and needs of the legislative reference service creating a public emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, the said rule is so suspended, and this Act shall take effect and be in force from and after its passage and it is so enacted.

FORTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas, March 18, 1919.

The Senate met at 9:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Bell.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Rector.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Sulter.
Dorough.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Gibson.	

Absent.

Buchanan of Scurry. Witt.
Parr.

Absent—Excused.

Dudley.

Prayer by Senator Dean.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.